Date of Arrest: 09/04

United States District Court

DISTRICT OF ARIZONA

UNITED STATES OF AMERICA, Plaintiff,) Magistrate Case No. 17-1671 M J
Vs. Rigoberto FIGUEROA-Gutierrez AKA: Guadalupe PEREZ-Avila, Hernan SANCHEZ 077293536 YOB: 1972 Citizen of: Mexico Defendant	COMPLAINT FOR VIOLATION OF Title 8, United States Code, Section 1326(a), enhanced by (b)(1) (Re-Entry After Removal), Felony Felony

The undersigned complainant being duly sworn states:

COUNT 1

That on or about September 4, 2017 Defendant Rigoberto FIGUEROA-Gutierrez, an alien, was found in the United States at or near Wellton, Arizona, within the District of Arizona, after having been previously denied admission, excluded, deported, and removed from the United States to Mexico through the port of Los Angeles, California, on or about October 7, 1999. The Secretary of the Department of Homeland Security not theretofore having consented to any reapplication by the Defendant for admission into the United States, in violation of Title 8, United States Code, Section 1326(a), enhanced by (b)(1) (Felony).

And the complainant further states that this complaint is based on the attached Statement of Facts incorporated herein by reference.

Christopher Wright
BORDER PATROL AGENT

September 05, 2017

Date

<u>David K Duncan, United States Magistrate</u> Judge Name & Title of Judicial Officer

Signature of Judicial Officer

Yuma, Arizona

City and State

UNITED STATES OF AMERICA,

Vs.

Rigoberto FIGUEROA-Gutierrez AKA: Guadalupe PEREZ-Avila, Hernan SANCHl 077293536

STATEMENT OF FACTUAL BASIS

The complainant states that this complaint is based upon the statements of the apprehending officers, that the Defendant was found and arrested on or about September 4, 2017, near Wellton, Arizona. Questioning of the Defendant by agents revealed that the Defendant is a citizen of Mexico and not in possession of valid documents allowing him to enter or remain in the United States.

By questioning the Defendant and through record checks, agents determined the Defendant was first removed at or near Los Angeles, California on or about October 7, 1999. The Defendant was most recently removed on or about October 7, 1999, through the port of Los Angeles, California, subsequent to a conviction in a Superior Court, State of California, County of Santa Clara, on or about March 1, 1993, for the crime-of Possession/Purchase For Sale Narcotic/Controlled Substance, a felony.

Agents determined that on or about August 8, 2000, the Defendant re-entered the United States without the Secretary of the Department of Homeland Security having consented to reapplication by the Defendant for admission into the United States.

Sworn to before me and subscribed in my presence.

September 05, 2017

Date

Signature of Judicial Officer

Signature of Complainant